a privileged question, and proceeded with until disposed of. Unless a motion to read the Journal of the preceding day, which is nondebatable, is made and passed by majority vote, the Journal shall be deemed to have been read without actual recitation and approved."

SUPPORTING STATEMENT BY SENATOR CLARK

The rule that the Journal of the preceding day be read if one Senator requests it is a complete anachronism. The rule was established long before the Government Printing Office perfected the art of printing each day's proceedings within a few hours of adjournment. There is absolutely no reason why any Senator should demand the reading of the previous day's Journal under existing circumstances.

All Senators will recall occasions on which the reading of the Journal has been used to delay for several hours the Senate's consideration of urgent legislative matters. All Senators will recall other occasions on which the leadership has been forced to recess the Senate at the end of a day rather than adjourn it so that it will not be possible for a dissident Member to ask for the Journal reading the following morning and delay the debate on an important measure. The present Journal reading rule serves no valid purpose and should be amended.

8. MORNING HOUR (S. RES. 378)

(By Mr. CLARK)

Resolved, That rule VII of the Standing Rules of the Senate (relating to morning business) is amended by adding at the end thereof the following new paragraph:

"8. One hour, if that much time be needed, shall be set aside for the transaction of morning business on each calendar day at the opening of proceedings or, if the Senate is in continuous around-the-clock session, at noon. The period for morning business may be extended upon motion, which shall be nondebatable, approved by majority action. No Senator may address the Senate for more than 3 minutes during the period for morning business, unless he has obtained leave by unanimous consent to address the Senate for a longer time."

SUPPORTING STATEMENT BY SENATOR CLARK

The rule change I am suggesting—to regulate the transaction of morning business—is intended to speed Senate business. The term "morning hour" is a misnomer under our present practice. It is well known that 2 hours, from noon to 2 p.m., are frequently used for morning business on new legislative days. I suggest that we limit morning business to 1 hour daily, unless a majority of Senators vote to extend the period, and that the 3-minute limit on individual speeches, which is a custom now honored as much in the breach as in the observance, be written into the Senate Rules. The morning hour is a valuable and appropriate time for the delivery of remarks by Senators on current events and other miscellaneous business. My proposed rule would make it impossible for one Senator to block the holding of a morning hour daily even if the Senate is meeting in recessed or continuous session, and yet it would curtail the overall time spent on matters nongermane to the pending bill or resolution.

9. TIME LIMITATION OF HOLDING THE FLOOR (S. RES 384)

(By Mr. CLARK)

Resolved, That paragraph numbered 1 of rule XIX of the Standing Rules of the Senate (relating to debate) is amended by adding at the end thereof the following new sentence: "Whenever any Senator has held the floor for more than three consecutive hours, an objection to his continued recognition shall be in order at any time, and, if such an objection is made, the Senator shall yield the floor.".

SUPPORTING STATEMENT BY SENATOR CLARK

In the 18th century when the Senate had 26 Members and the Legislative Calendar was brief and did not contain matters of urgent importance to many millions of people, there was time to permit individuals to engage in filibusters. There is no time for such tactics in the 1960's. Marathon speeches by any 1 Senator in a body which now numbers 100 Members should not be tolerated.

I submit that no Senator needs more than 3 hours to expound his views on any specific matter coming before the Senate for action. Senators will judge for themselves whether they can recall a single occasion on which any Member took more than 3 consecutive hours to state his views on any subject when his purpose was not purely one of delay. I recall no such occasion.

When a Senator is interrupted repeatedly by a colloquy the Senate can be relied upon to grant unanimous consent for the Senator to continue beyond the 3-hour period, unless the colloquy is obviously engaged in for the purpose of delay. If he cannot get such consent, he would still have the right under rule XIX to speak once more on the same subject during the same legislative day. if he can obtain recognition.

I am reminded of Oliver Wendell Holmes' apology when he delivered a particularly long opinion one day as a member of the Massachusetts Supreme Court: "I did not have time to write a short one." A 3-hour speech is hardly a short one, but the Senate should take the time next January, when we determine the rules we will operate under during the 89th Congress, to make sure that no future speech is longer than that.

Mr. CLARK. I wish to thank my friend the distinguished Senator from Michigan [Mr. MCNAMARA] for his courtesy in yielding to me.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER (Mr. MCGOVERN in the chair). The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, the Washington Post for September 13 carries an article under date of September 12, to the effect that the Supreme Court's one-man, one-vote apportionment formula for State legislatures has been applied at the county level in Michigan for the first time. Circuit Judge Fred N. Searl ruled that the Kent County Board of Supervisors must be reapportioned on a population only basis under the 14th amendment.

If there has been a question about how far this Federal standard will be applied, this decision certainly indicates that the standard will be imposed on every county and every city which has districts for the election of its governing body.

It is not inconceivable that this ruling could be applied also to special districts, such as water districts, soil conservancy districts, and so forth. Time is of the essence, and in the words of Robert Herrick, let me caution my colleagues to—

And this same flower that smiles today,
Gather ye rosebuds while ye may,
Old Time is still aflying:
Tomorrow will be dying.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article published in the Washington Post of September 13, 1964, entitled "One-for-One" Vote Rule Applied to County" and an article which was published in the Saturday Evening Post by the distinguished minority leader [Mr. DIRKSEN], entitled "The Supreme Court Is Defying the People."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 13, 1964]

ONE-FOR-ONE VOTE RULE APPLIED TO COUNTY

GRAND RAPIDS, MICH., September 12.—The U.S. Supreme Court's one-man, one-vote apportionment formula for State legislatures has been applied at the county level in Michigan for the first time.

Circuit Judge Fred N. Searl ruled yesterday that the Kent County Board of Supervisors must be reapportioned on a population-only basis.

But he did not issue an immediate order for redistricting, saying he would leave it up to the 1965 session of the Michigan legislature to carry out reapportionment of county governing units.

Judge Searl's 36-page opinion held that the equal protection clause of the 14th amendment to the U.S. Constitution requires that the board of supervisors meet the same basic standards applied to the legislature under the high court decision.

Five professors from Calvin and Aquinas Colleges in Grand Rapids had asked Searl in a suit to order reapportionment of the county board. They noted that in one Grand Rapids ward, one supervisor represents 8,500 residents, while in the outlying town of Cedar Springs one supervisor represents 925 persons.

(In the Washington metropolitan area, the Fairfax County Supervisors are the only county officials elected by districts. In the seven districts, populations range from 14,785 in Centreville District to 61,295 in Mason District. Other district populations are Dranesville, 37,624; Falls Church, 57,429; Lee, 40,933; Mount Vernon, 44,129, and Providence, 45,129.)

[From the Saturday Evening Post]

THE SUPREME COURT IS DEFYING THE PEOPLE

(By Senator EVERETT MCKINLEY DIRKSEN)

Have we reached the point where the Preamble to the Constitution, which now reads "We, the people * * * do ordain and establish this Constitution," has been changed to read "We the Supreme Court do hereby decree a new form of government for the people of the United States"? Have we permitted the Court to constitute itself an authority supreme and contrary to the expressed will of the people?

There is a grave danger that we have. On June 15 of this year, six members of the U.S. Supreme Court took what may prove to be the longest step toward creating a judicial dictatorship in this country. They did it by decreeing that the legislatures established by the people in the States of Alabama, Colorado, Delaware, Maryland, New York, and Virginia were null and void, and they dictated the form of legislative government which the people of these States must accept.

The Supreme Court proclaimed that it was acting to enhance democracy and to abolish inequities between the city dweller and his country cousin. Moreover, they have sold us this decision with the alluring slogan of "one man, one vote," a concept which is beautifully democratic in the abstract. But the States of the Nation are not governed abstractly. For 188 years they have been governed by a realistic system of legilsative compromise, which recognizes

the diverse interests of a diverse people. Now, suddenly, the Supreme Court says it is wrong.

The form of legislature the High Court declared null and void is in effect today in every State in the Union. It is the same form of representation which was adopted by the thirteen Colonies when they threw off the yoke of the English kings. Basically, it is a legislature composed either of two houses, one house based upon population and another house based upon area, or of one house based upon both population and area. The men and women of the colonies fought, bled and died for the right to establish State governments of their choice. This was the choice they made.

Then, a decade later, they met in Constitutional Convention in Philadelphia. There they forged the provisions of the Federal Constitution on the anvil of experience, hammering out the solutions of the problems of fair representation for all. Even at that time there were rural areas and populous areas, each with diverse and legitimate interests. It was only natural that the sparsely settled and less affluent States should fear the power of the rich and strong. After much debate, this truly vexing problem was solved by a historic compromise. Today we have the handiwork of that solution, the Congress, a legislative body of two Houses, one of which is based on population and the other upon State boundaries.

That was the will of the people in those times, and that has been the will of the people since, as new States have been added to our Union, each one embodying the same principle in its own State constitution. But that is not the will of six men on the Supreme Court. Let us look at how they have ordered the people of this country to refashion their State legislatures.

It all began 2 years ago in the case of *Baker* v. *Carr*, which came to the Supreme Court from Tennessee. For the first time, the Court held it had the final authority over the composition of the State legislatures. Now in the six cases recently decided, the Court used that newly assumed authority in an extraordinary way. The Justices decreed that the 14th amendment, which was adopted in 1868, requires both houses of any State legislature to be apportioned on the basis of population alone. Moreover, it directed the lower Federal courts to put this new decree into practice through orders at the State level.

In Colorado, after the *Baker* v. *Carr* decision, the people of that State in 1962 had voted almost 2 to 1 to approve a plan to overhaul their legislature. Yet the Supreme Court refused to accept the plan approved by the people, and Colorado was given only 2 weeks to find a new solution. A specially called general assembly attempted to comply and adopted a new apportionment plan. Then the State Supreme Court of Colorado declared that plan to be unconstitutional. Today the citizens of Colorado do not know what they can do and—in view of all these facts—who can blame them?

In New York the supreme court not only ordered reapportionment but before it was through it had set new terms of office for members of the general assembly. The New York Constitution provides for 2-year terms for its legislators, but it has been decreed that those elected this fall shall serve for only 1 year. Then there is to be a second election, and members are to be elected for another year. Then there is to be still a third election, when lawmakers are to be named to a regular term.

An even more appalling situation has been created in Oklahoma. There a three-judge Federal court has taken upon itself the role of reconstituting the State legislature. The court began by declaring invalid a portion of the State constitution and election laws. The State passed a new election law and proposed a constitutional amendment to remedy the defects. Then, in May of this year, the voters of Oklahoma approved the amendment to the State constitution and elected representatives under the new election law. Now the court has declared that amendment and election null and void and ordered new elections based on its own legislative formula—contrary to that approved by the people of Oklahoma.

I learned long ago that the people are the fountainhead of all power in this country. In Colorado and Oklahoma, as well as several other States, the people have acted decisively, but the Federal judges will not accept the result. They say that they represent some higher power to determine the form of our State governing bodies, which is a mistaken and dangerous notion.

Certainly in any representative government there exists a fundamental right in the people to determine how their legislatures shall be constituted. Yet according to the powerful dissenting opinion of Associate Justice John Marshall Harlan, the Supreme Court majority has now declared it to be unconstitutional for a State to give effective consideration to any of the following factors in establishing its legislative districts:

1. History;
2. Economic or other sorts of group interests;
3. Geographical considerations;
4. Area;
5. A desire to insure effective representation for sparsely settled areas;
6. Availability of access of citizens to their representatives;
7. Theories of bicameralism (except those approved by the court);
8. Occupation;
9. An attempt to balance urban and rural power; and
10. The preference of a majority of voters in the State.

In this, the Court would blindly disregard the facts of nature as well as the basic principles of representative government. A businessman in Garber, Okla., whose State legislator used to live in nearby Enid, may now have to travel to Oklahoma City to ask for the improvement of a bridge or complain about the condition of a road. A rancher or miner near Duncan, Ariz., could discover that his only representative lives in Tucson, a burgeoning electronic-and-space center with problems completely dissimilar to those at home. In my own home State, voters in sparsely settled southern Illinois may find they must go 150 miles to locate the nearest State legislator.

Mr. ALLOTT. Mr. President, I yield the floor.

CRIME AND DELINQUENCY

Mr. DODD. Mr. President, as one who has devoted a large part of his Senate work to the field of combating crime and juvenile delinquency, and as chairman of the Senate subcommittee specifically charged with responsibility in this field, I feel called upon to comment on the obvious attempt to turn the question of crime and delinquency into a political football for purely partisan purposes.

Crime and delinquency are indeed among our gravest domestic prolbems. They reveal a certain sickness in our society. Thousands and thousands of dedicated men and women have devoted their lives to this problem, in law enforcement, in social work, in the academic world, in mental institutions, in civic and fraternal organizations, in parents' groups, in churches, and in other areas.

Senator GOLDWATER and Representative MILLER have been conspicuously absent from this struggle, and I hope I speak for all who regard this as a grave and tragic problem instead of a campaign issue when I say that we are dismayed that they have now taken up this issue purely as a political propaganda sideshow.

They have nothing to say about the many complex causes of crime and delinquency, about slums, overcrowded cities, broken homes, poverty, racial discrimination, mental illness, inadequate crime laws, underpaid policemen, license in our mass media, inadequate school and recreation facilities, and others. Not only do they have nothing to say about these causes, but when proposals have been brought forth to deal with these conditions, they have consistently opposed them.

Senator GOLDWATER's position is simply that since a Democratic administration is in power in Washington, it is responsible for the crime and violence in our local communities, in the streets of our towns, and in the homes of the American people.

Heretofore, it has been thought that the first responsibilities for moral training and conduct were in the home, the church, the school, and the community. Suddenly Senator GOLDWATER has shifted these responsibilities to the Federal Government and to the White House.

One would think that he was about to propose a national police force, or at least a national program to fight crime. But, oh no. He is not only against a national police force, as most of us are, but he thinks that Federal laws to deal with these problems do more harm than good. What, then, does he propose?

He proposes "moral persuasion," which he would exercise from the White House. Now, everyone is in favor of moral persuasion. But for Senator GOLDWATER to contend that he can reverse the crime rate by the power of his own good example is as preposterous as it would be for a doctor to attempt to fight a cholera epidemic merely through his own personal hygiene.

Those of us who have gone out among the street gangs, among the drug pushers, among the traffickers in pornography and guns, among the organized criminals, those of us who have spent some time studying these hardened groups know that far more than good intentions is needed in this fight.

Last night Senator GOLDWATER made vague references to an undefined constitutional amendment to restrict the rights of defendants and to other vague changes in Federal criminal procedures which would have principal application in the city of Washington. We all look forward to specific proposals from the Senator, but even if they emerge, they will deal only with a very limited aspect of the problem. Once again he had nothing to say about the causes of crime, except the alleged bad example of President Johnson. Once again he has no solutions to offer the whole nation, except longer billyclubs in the District of Columbia.

All of the evidence thus far indicates that the Republican candidates have